

### **REMARKS**

Claim 1 has been revised to remove unnecessary language from the preamble and to better tailor the claims to embodiments of interest. The claim now includes the feature of “gene carrier for expression in human or animal cells” (supported at least on page 23, line 3, to page 24, line 9) and explicit recitation of the inherent feature of “*ex vivo*” cells (supported at least on page 59, last paragraph).

Claims 1-3, 8, 18, 20, and 21 have been revised to use (nucleic acid) “molecule encoding” as alternative language for “gene encoding.”

Claim 18 has also been revised to use alternative language in the preamble and to be in independent form with inclusion of claim 1 features as previously presented, as well as explicit recitation of the inherent features of “*ex vivo*” cells and the inherent features of the gene carrier and cells as previously present in the claim. No change in claim scope is intended or believed to have occurred.

No new matter has been introduced, and entry of the above revised claims is respectfully requested.

### **Alleged Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 1-16 were rejected as allegedly failing to be supported by an adequate written description. Applicants have carefully reviewed the statement of this rejection and respectfully traverse this rejection because no *prima facie* case of an inadequate written description is present. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 18-21 were rejected as allegedly only enabled for the scope of methods comprising use of a plasmid or AAV vector to express SEQ ID NO:1 or 2. Applicants respectfully traverse this rejection because no *prima facie* case of non-enablement is present. Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants submit that only routine and repetitive experimentation is necessary to make and use the claimed methods with gene carriers beyond plasmids and AAV. In support of Applicants’ position, the Examiner’s attention is directed to the attached Second Declaration of

the inventor, Dr. Eui-Cheol Jo, which shows the effectiveness of replication deficient Adenovirus expressing LK8 and LK68. Applicants respectfully submit that the instant rejection fails to present a case of undue experimentation, and this rejection may be properly withdrawn.

**Conclusion**

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

**JHK Law**

Dated: January 17, 2008

By: /Joseph Hyosuk Kim/  
Joseph Hyosuk Kim, Ph.D.  
Reg. No. 41,425

P.O. Box 1078  
La Canada, CA 91012-1078  
(818) 249-8177 - direct  
(818) 249-8277 - fax